

**FILED**  
UNITED STATES DISTRICT COURT  
ALBUQUERQUE, NEW MEXICO

MAY 31 2016

MATTHEW J. DYKMAN  
CLERK

HERBERT G. HEAD

80498-6-10

P.O. Box # 1059

SANTA FE, NEW MEXICO

87504

HERBERT HEAD

V.

THE NEW MEXICO CORRECTIONS  
DEPARTMENT AND ALL OF ITS EMPLOYEES

CASE NUMBER " 16CV509

MCA/GJF

WRIT OF HABEAS CORPUS:

I NOW MOVE THIS COURT TO LOOK AT AND REVIEW ALL OF THE FACTS OF THIS MATTER. AS THE COURT CAN FULLY SEE FROM THE STATED ON GOING "POLICY" OF THE DEPARTMENT OF CORRECTIONS. THAT THIS ON GOING POLICY CONCERNING PAROLE IS NOT LAW, BUT IS ONLY A POLICY OF THE DEPARTMENT OF CORRECTIONS. AS IS SO STATED IN THE: BLACKS LAW DICTIONARY OF WORDS AND OR ALL TERMS THAT ARE TO BE USED IN THE FUNDAMENTAL REVIEW OF THE ON GOING PRINCIPLES OF LAW. POINT IN QUESTION, THE LEGAL DEFINITION OF THE WORD: "POLICY" (FROM THE BLACKS LAW DICTIONARY) "A DEFINITE COURSE OF ACTION THAT IS FOLLOWED BY A BUSINESS, OR A STATE GOVERNMENT. THAT STATES TERMS OF AN ACTION. THAT IS NOT LEGALLY BINDING BY ANY PARTY.

BUT IS ONLY BEING DECLARED AS A TERM  
THAT ALL PARTYS MAY, OR MAY NOT AGREE TO.

HOWEVER, AS THIS COURT ALSO KNOWS, THAT  
ANY ON GOING POLICY IS "NOT A LEGAL OR A  
LAWFUL ACTION" THAT CAN THEN BE FULLY USED, OR  
SUBSTANTIATED BY ANY ENFORCEMENT FROM ANY  
OTHER PARTY. AS TO THE DENIAL OF A ON GOING  
COURT ORDERED PAROLE, AT THE VERY COMPLETION  
OF THE SAID COURT ORDERED SENTENCE, THAT NO-  
MORE UP, SELF SERVING POLICY BY THE DEPARTMENT  
OF CORRECTIONS CAN THEN OVERRIDE, OR OVERULE ANY  
PART OF A COURT ORDERED SENTENCE PERTAINING TO  
THE SAID PAROLE, THAT WAS SO ORDERED BY A JUDGE  
OF THE SAID COURT OF LAW. THAT WOULD THEN EXCLUDE,  
OR STOP THE INMATE FROM BEING SO RELEASED, AT THE  
TERMINATION OF THERE CONFINEMENT IN STATE PRISON.

AS THE COURT FULLY KNOWS, THAT ANY AND ALL OF  
THE CONDUCTIONS OF THAT STATED PAROLE: "HAS TO BE  
SET BY A JUDGE OF THE SAID COURT OF LAW AT THE  
TIME OF THE SAID SENTENCE. PAROLE IS NOT A ON  
GOING VARIABLE IN ANY WAY, THAT THE DEPARTMENT  
OF CORRECTIONS CAN THEN FLOTTERATE WITH AS TO THE  
TRUE MEANING OF THE VERY WORDS THAT WERE USED  
BY THE COURT, AT THE TIME OF THE AGREED OPEN  
SENTENCING.

HERBERT G. HEAD  
80498-6-10  
P.O. Box # 1059  
SANTA FE, NEW MEXICO  
87504

HERBERT G. HEAD  
V.  
THE NEW MEXICO DEPARTMENT  
OF CORRECTIONS AND ITS EMPLOYEES

CASE NUMBER #

### DECLARATION OF FACTS:

I DECLARE UNDER THE PENALTY OF PERJURY,  
THAT ANY AND ALL THINGS THAT MAY BE SO  
STATED IN THIS ACTION, ARE ALL TRUE AND  
CORRECT TO THE BEST OF MY ABILITY. THAT  
THIS IS ALL UNDER THE PENALTY OF PERJURY.  
FOR ANY AND ALL THINGS THAT ARE NOT TRUE  
IN THIS MOTION OF HABEAS CORPUS PERTAINING  
TO THE LEGALITY OF A MANDATORY APPROVAL  
OF AN ADDRESS FOR MY BEING RELEASED ON PAROLE

HERBERT G. HEAD  
80498-6-10  
P.O. Box # 1059  
SANTA FE, N.M. 87504

HERBERT G. HEAD

v.

THE NEW MEXICO CORRECTIONS  
DEPARTMENT OF STATE PRISONS  
AND ALL OF ITS EMPLOYEES

CASE NUMBER #

Points of Authority:  
Writ of HABEAS CORPUS.

As this court can see from the stated on going "Policy" of the Department of Corrections, that this on going Policy is in NO WAY LAW But is only DEFINED AS: A DEFINITE course of action that is followed by a business, or a state government, that states terms of an action, that is not LEGALLY BINDING by any party, but is only being declared as a term that all parties may, or may not agree too. However, a on going Policy is not a legal, or a lawful action, that can then be fully substantiated by any enforcement from any other party, or party's as to the denial of a court ordered sentence. That no made up Policy by the Department of Corrections can override, overrule any part of a court

ORDER PERTAINING TO PAROLE. THAT WAS SO THEN  
ORDERED BY A JUDGE OF THE SAID COURT THAT WOULD  
THEN PREVENT THE INMATE FROM BEING RELEASED  
ON THE TERMINATION OF THERE CONFINEMENT.

AS THE COURT FULLY KNOWS ANY AND ALL OF  
THE CONDUCTIONS OF THE SAID PAROLE UNDER THE  
LAW HAS TO AND CAN ONLY BE SET BY THE JUDGE  
OF THE COURT OF LAW. AT THE TIME THAT THE SAID  
DEFENDANT WAS SO SENTENCED. AS THIS COURT ALSO  
KNOWS. THAT NO OTHER CONDITION CAN THEN BE  
PLACED AS PART OF THAT SAID SENTENCE. WHEN IT  
WAS: "NEVER A PART OF THE TERMS OF THE "PLEA  
AGREEMENT". AS WAS SO DEFINED IN: COLMAN V.  
U.S.C. USC 2842, 2004: " THAT ONLY A JUDGE OF  
THE SAID COURT CAN THEN SENTENCE A DEFENDANT  
TO A TERM OF IMPRISONMENT AND ANY AND ALL TERMS  
OF THAT SAID AGREEMENT MUST ALSO BE STATED FOR  
THE RECORD SO THAT ANY CONDITIONS OF THAT SO  
STATED SENTENCE MUST BE THEN FOLLOWED BY ANY  
AND ALL PARTIES PERTAINING TO THE AGREED UPON  
SENTENCE BY ALL PARTIES AT THE TIME OF THAT  
SAID SENTENCE.

AS THIS COURT ALSO KNOWS. THAT ANY  
AND ALL WORDS OR TERMS THAT ARE USED  
BY ANY PARTIES HAS TO HAVE THE SAME  
MEANING IN A COURT OF LAW. ALL OF THE ON  
GOING WORDS THAT ARE SO USED IN THIS WRIT WERE



ALL TAKEN FROM THE: "BLACKS LAW DICTIONARY"

IT IS WITH THIS ENLIGHTENMENT THAT I NOW DO REQUEST, THAT THIS COURT ORDER THE DEPARTMENT OF CORRECTIONS, THAT INMATE HERBERT G. HEAD 80498 BE SO RELEASED ON THE E.P.R.D. DATE OF: SEPTEMBER 17, 2017, THAT THIS RELEASE IS NOT CONTINGENT ON A PRE APPROVAL OR ANY ADDRESS BY THE DEPARTMENT OF CORRECTIONS, OR BY ANY POLICY OF THEREAS. BUT IS SOLELY DETERMINED BY THE DAYS OF CONFINEMENT IN STATE PRISON WITH A HALF TIME, WORK CREDITS REDUCTION.

THAT ON THE TERMINATION OF THE SAID SENTENCE WITH HALF TIME CREDITS, THAT THE DEPARTMENT OF CORRECTIONS WILL RELEASE INMATE HEAD ON PAROLE. THAT THIS RELEASE IS NOT IN ANY WAY CONTINGENT ON ANY ON GOING POLICY OF OR ANY APPROVAL OF AN ADDRESS. THAT THIS RELEASE IS IN ACCORDANCE WITH THE COURT ORDER SENTENCE. THAT THE DEPARTMENT OF CORRECTIONS WILL ADHERE TO THIS COURT ORDER PERTAINING TO THE E.P.R.D. DATE OF INMATE HEAD'S CURRENT DATE OF: SEPTEMBER 17, 2017. THAT ON THAT DATE INMATE HERBERT G. HEAD 80498 - WILL BE SO RELEASED ON PAROLE AND ORDER TO REPORT TO THE PAROLE OFFICE THE VERY NEXT DAY.

CD-121001

**DESIGNATED STAFF RESPONSE TO INMATE REQUEST FOR LEGAL  
ASSISTANCE/MEETING  
REPUESTO AL PRESO POR SU PETICIÓN EN JUNTA O ASISTENCIA LEGAL**

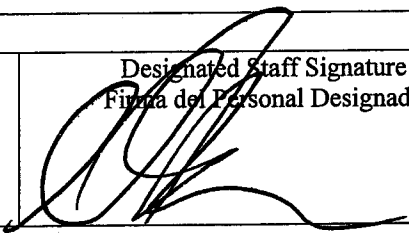
Inmate Name (Last, First, M.I.) Nombre Del Preso (Apellido, Primer, Inicial del Segundo Nombre )	NMCD Number Número del Preso	Institution/Unit Institución/Unidad
Head, Herbert	80498	Level 2 Bunk 610

Use the space below to respond to the inmate request for assistance and staple to request.  
Usar esta área para responder a la petición del preso para ayuda. Grabar con la petición.

You have asked for "the law that states I have to have an address that is the subject to your approval for my release on parole." While I personally have no power or authority over any aspect of your parole I will attempt to provide you information that I believe you are referring to in your request.

Attached for checkout are: §§31-18-1 through 31-18-26 and 31-21-1 through 31-21-27 N.M.S.A.; and, the indexes for chapters 31 and 33 N.M.S.A. If this is not what you were wishing to review please let me know and I will attempt to assist you further.

**Return the above referenced material no later than May 24, 2016.**

Designated Staff's Name (Last, First, M.I.) Nombre del Personal Designado (Apellido, Primer, Inicial del Segundo Nombre)	Designated Staff Signature Firma del Personal Designado	Date Fecha
Shannon, Sean O.		5/10/16

Signature of Inmate to acknowledge receipt.  
Firma del Preso a confirmado de recibo.

Inmate's Name (Last, First, M.I.) & Number Nombre del Preso (Apellido, Primer, Inicial del Segundo Nombre) y Número	Inmate Signature Firma del Preso	Date Fecha
Head, Herbert	Mailed via intra prison mail.	5/10/16

HERBERT C. HEAD

80498-G-10

P.O. Box # 1059

SANTA FE, NEW MEXICO 87504

HERBERT C. HEAD

v.

THE NEW MEXICO DEPARTMENT  
OF CORRECTION AND ITS EMPLOYEES

CASE NUMBER #

### ORDER OF THE COURT:

It is the ORDER of this court, THAT  
INMATE: HERBERT C. HEAD (80498) BE SO RELEASED  
ON PAROLE ON SEPTEMBER 12, 2017 WITH, OR WITH-  
OUT ANY APPROVAL OF ANY ADDRESS BY THE DEPARTMENT  
OF CORRECTIONS. THAT HIS BEING RELEASED ON PAROLE IS  
IN NO WAY CONTINGENT ON ANY APPROVAL OF ANY  
ADDRESS BY THE DEPARTMENT OF CORRECTION. THAT THIS  
WAS NEVER A PART OF THE COURT ORDERED SENTENCE,  
OR PART OF THE PLEA AGREEMENT BY ALL PARTIES AT  
THE TIME OF THE SAID SENTENCE.

IT IS SO ORDERED ON THIS DATE OF:

By THE HONORABLE JUDGE:

IN DEPARTMENT #

ON THIS DATE OF:



**RECEIVED**  
AT ALBUQUERQUE NM

MAY 31 2016

MATTHEW J. DYKMAN  
CLERK

Penitentiary of New Mexico

P.O. Box 1059

Santa Fe, New Mexico 87504-1059

Name HERBERT HEAD No. 82498 Unit 6-20

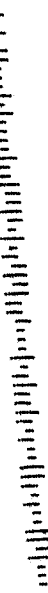
UNITED STATES DISTRICT COURT

OFFICE OF THE: CLERK, Suite 270

333 - Lomas Blvd. N.W.

ALBUQUERQUE, NEW MEXICO 87102

*[Handwritten Signature]*



8710232274 0023